

cracked wing front spar carry-through frame structure as specified in this AD.

(i) If more than one crack is found on either side of the wing forward spar carry-through frame structure bend radius, prior to further flight, install the applicable Beech P/N 36-4004 Kit, reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(2) For cracks between 2.25 and 4.0 inches, accomplish one of the following, as applicable:

(i) If not more than one crack on either side of the wing forward spar carry-through frame structure bend radius is found, prior to further flight, stop drill each crack at the crack ends, and within the next 100 hours TIS, install the applicable Beech P/N 36-4004 Kit. Reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(ii) If more than one crack is found on either side of the wing forward spar carry-through frame structure bend radius, prior to further flight, install the applicable P/N 36-4004 Kit, and reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(3) For cracks exceeding 4.0 inches, prior to further flight, install the applicable Beech P/N 36-4004 Kit, reinspect at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(d) If cracks are found in the web face in the area of the huckbolt fasteners but not in the bend radius during the inspections specified in paragraph (a) of this AD, accomplish the following at the time specified in accordance with the instructions in Beech SB No. 2360, but do not stop drill the cracks because it is possible to damage the structure behind the web face:

(1) For cracks less than 1.0 inch in length, accomplish one of the following, as applicable:

(i) If not more than one crack on either side of the wing forward spar carry-through frame structure web face is found, within the next 200 hours TIS and thereafter at intervals not to exceed 200 hours TIS, reinspect each crack for progression and repair accordingly. Upon the installation of the applicable P/N 36-4004 Kit, extend the repetitive inspection time to 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(ii) If more than one crack is found on either side of the wing forward spar carry-through frame structure web face, prior to further flight, install the applicable Beech P/N 36-4004 Kit, reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(2) For cracks more than 1.0 inch in length, accomplish one of the following, as applicable:

(i) If not more than one crack on either side of the wing forward spar carry-through frame

structure web area is found, within the next 25 hours TIS, install the applicable Beech P/N 36-4004 Kit. Reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(ii) If more than one crack is found on either side of the wing forward spar carry-through frame structure bend radius, prior to further flight, install the applicable Beech P/N 36-4004 Kit, reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(3) If a crack passes through two fasteners but is less than 0.5 inches beyond either fastener, accomplish one of the following, as applicable:

(i) If not more than one crack on either side of the wing forward spar carry-through frame structure web area is found, within the next 25 hours TIS, install the applicable Beech P/N 36-4004 Kit, reinspect at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(ii) If more than one crack is found on either side of the wing forward spar carry-through frame structure bend radius, prior to further flight, install the applicable Beech P/N 36-4004 Kit, reinspect at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(4) If a crack passes through two fasteners but is more than 0.5 inches beyond either fastener, prior to further flight, install the applicable Beech P/N 36-4004 Kit. Reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(e) If cracks are found in both the web face in the area of the huckbolt fasteners and the bend radius during the inspections required in paragraph (a) of this AD, accomplish the following in accordance with the instructions in Beech SB No. 2360:

(1) If only one crack is found on either side of the airplane, prior to further flight, repair each crack in accordance with the criteria and instructions in paragraphs (c)(1) through (c)(3) or (d)(1) through (d)(4) of this AD, as applicable. Reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(2) If more than one crack is found on either side of the airplane, accomplish one of the following as applicable:

(i) For any crack that is 1.0 inch or more in length, prior to further flight, install the applicable Beech P/N 36-4004 Kit. Reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(ii) For any crack under 1.0 inch in length, within the next 200 hours TIS and thereafter at intervals not to exceed 200 hours TIS, reinspect each crack for progression and repair accordingly. Upon the installation of the applicable P/N 36-4004 Kit, extend the

repetitive inspection time to 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(f) If a fuselage skin crack is found around the opening of the lower forward carry-through fitting, prior to further flight, obtain repair instructions from the manufacturer through the Wichita Aircraft Certification Office (ACO) at the address specified in paragraph (h) of this AD, and incorporate these instructions. Reinspect thereafter at intervals not to exceed 500 hours TIS, and repair or reinforce any cracked wing front spar carry-through frame structure as specified in this AD.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(h) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(i) The inspections required by this AD shall be done in accordance with No. 2360, dated November 1990. This incorporation by reference was previously approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment (39-9155) supersedes AD 92-08-07, Amendment 39-8218.

(k) This amendment (39-9155) becomes effective on April 7, 1995.

Issued in Kansas City, Missouri, on February 14, 1995.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95-4133 Filed 2-17-95; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

RIN 1218-AB25

Occupational Exposure to Asbestos

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule; extension of start-up dates for compliance.

SUMMARY: OSHA is extending the start-up dates for some provisions of the asbestos standards until July 10, 1995 to give the public more time to understand the provisions and implement compliance.

DATES: These amendments take effect on February 21, 1995. For Part 1910—General Industry, for § 1910.1001, the start-up dates for compliance for paragraph (g)—methods of compliance, paragraph (h)—respiratory protection, paragraph (j)—hygiene facilities, paragraph (k)—communication of hazards, paragraph (l)—housekeeping, paragraph (m)—medical surveillance and paragraph (o)—competent persons are extended to July 10, 1995. For Part 1915—Shipyards, for § 1915.1001, the start-up dates for compliance for paragraph (d)(2)—initial monitoring, paragraph (e)—regulated area, paragraph (f)(i)—methods of compliance, paragraph (f)(2) compliance program, paragraph (g)—respiratory protection, paragraph (i)—hygiene facilities, paragraph (j)(7) employee information and training, and paragraph (l)—medical surveillance are extended to July 10, 1995. For Part 1926—Construction, for § 1926.1101, the start-up dates for compliance for paragraph (g)—methods of compliance, paragraph (h)—respiratory protection, paragraph (j)—hygiene facilities, paragraph (k)—communication of hazards, paragraph (l)—housekeeping, paragraph (m)—medical surveillance and paragraph (o)—competent person are extended to July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Liblong, Director of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 219-8151.

SUPPLEMENTARY INFORMATION: OSHA issued improved asbestos standards for general industry, construction and shipyards on August 10, 1994 at 59 FR 40964 to better protect workers from lung cancer, asbestosis and other

diseases caused by asbestos exposure. The new standards took effect on October 11, 1994 and that date was the start-up date for some provisions such as the new lower exposure limit of .1 f/cc. However, various other provisions such as the new medical surveillance, respiratory protection and training provisions and the engineering control requirements had start-up dates from between January 9, 1995 and April 10, 1995.

Various members of the public have in meetings requested that OSHA grant more time for the public to study and comply with some provisions. In addition OSHA intends to publish in the near future a correction and clarification notice and various compliance and training materials to assist in the understanding of the new standard. The American Petroleum Institute by letter dated February 3, 1995 also requested a delay in the start-up of some provisions.

After considering all these reasons together, OSHA has concluded that it is appropriate to give the public additional time to study and implement some of the provisions of the new asbestos standards which may require more time to implement. Other provisions such as the new exposure limit had a start-up date of October 11, 1995 and OSHA is not extending the start-up date of those provisions. In the interim, the provisions of the preexisting asbestos standards remain in effect for those provisions of the new standards whose start-up dates have been extended.

The provisions extended are listed above in the **DATES** section of this preamble. OSHA has concluded that July 10, 1995 is a reasonable time for employers to fully study and come into compliance with the provisions for which the start-up dates have been extended.

For simplicity and to reduce possible confusion OSHA is setting a single start-up date for those provisions and eliminating the language that required compliance as soon as possible not later than the start-up date specified. However, some provisions such as exposure monitoring where exposures are over the new limit may need to be completed prior to the implementation of engineering controls. All the provisions whose start-up dates have been extended will be enforced on July 10, 1995.

OSHA is publishing this as an amendment to the new standards so that the new start-up dates will be codified in the Code of Federal Regulations. OSHA finds that there is good cause to issue this extension without notice and public procedure because such is

impractical, unnecessary or contrary to the public interest. It is necessary to issue the extension to permit employers sufficient time to come into full compliance and notice and comment would delay the issuance of the extension until past the new start-up dates. For the same reasons OSHA finds good cause for the extension of the start-up date to take immediate effect.

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Accordingly, pursuant to sections 4, 6(b), 8(c), and 8(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Sec. 107, Contract Work Hours and Safety Standards Act (Construction Safety Act, 40 U.S.C. 333); Sec. 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. Sec. 553; and 29 CFR Part 1911; 29 CFR Parts 1910, 1915 and 1926 are amended as set forth below.

List of Subjects*29 CFR Part 1910*

Asbestos, Occupational safety and health.

29 CFR Part 1915

Asbestos, Longshore and harbor workers, Occupational safety and health, Vessels.

29 CFR Part 1926

Asbestos, Construction industry, Occupational safety and health.

Signed at Washington, DC this 14th day of February, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

OSHA hereby amends 29 CFR Parts 1910, 1915 and 1926 as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1. The authority citation of subpart Z of 29 CFR part 1910 is revised to read as follows:

Authority: Secs. 6, 8 Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Order 12-71 (36 FR 8754), 9-76 (41 FR 25059), 9-83 (48 FR 35736) or 1-90 (55 FR 9033), as applicable; and 29 CFR part 1911.

All of subpart Z issued under section 6(b) of the Occupational Safety and Health Act, except those substances which have exposure limits listed in Tables Z-1, Z-2 and Z-3 of 29 CFR 1910.1000. The latter were issued under section 6(a) (29 U.S.C. 655(a)).

Section 1910.1000, Tables Z-1, Z-2 and Z-3 also issued under 5 U.S.C. 553. Section 1910.1000, Table Z-1, Z-1 and Z-3 not

issued under 29 CFR part 1911 except for the arsenic (organic compounds), benzene, and cotton dust listings.

Section 1910.1001 also issued under section 107 of Contract Work Hours and Safety and Standards Act, 40 U.S.C. 333 and 5 U.S.C. 553.

Section 1910.1002 not issued under 29 U.S.C. or 29 CFR part 1911; also issued under 5 U.S.C. 553.

Section 1910.1003 through 1910.1018 also issued under 29 CFR 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 553.

Section 1910.1028 also issued under 29 U.S.C. 653.

Section 1910.1030 also issued under 29 U.S.C. 653.

Section 1910.1043 also issued under 5 U.S.C. 551 et seq.

Section 1910.1045 and 1910.1047 also issued under 29 U.S.C. 653.

Section 1910.1048 also issued under 29 U.S.C. 653.

Sections 1910.1200, 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

Section 1910.1450 is also issued under sec. 6(b), 8(c) and 8(g)(2), Pub. L. 91-596, 84 Stat. 1593, 1599, 1600; U.S.C. 655, 657.

2. Section 1910.1001 is amended by revising paragraph (o) to read as follows:

§ 1910.1001 Asbestos.

* * * * *

(o) *Dates*—(1) *Effective date*. This standard shall become effective October 11, 1994.

(2) The provisions of 29 CFR 1910.1001 remain in effect until the start-up dates of the equivalent provisions of this standard.

(3) *Start-up dates*. All obligations of this standard commence on the effective date except as follows:

(i) *Exposure monitoring*. Initial monitoring required by paragraph (d)(2) of this section shall be completed by July 10, 1995.

(ii) *Regulated areas*. Regulated areas required to be established by paragraph (e) of this section as a result of initial monitoring shall be set up by July 10, 1995.

(iii) *Respiratory protection*. Respiratory protection required by paragraph (g) of this section shall be provided by July 10, 1995.

(iv) *Hygiene and lunchroom facilities*. Construction plans for change rooms, showers, lavatories, and lunchroom facilities shall be completed by July 10, 1995.

(v) *Employee information and training*. Employee information and training shall be provided by July 10, 1995.

(vi) *Medical surveillance*. Medical surveillance not previously required by paragraph (l) of this section shall be provided by July 10, 1995.

(vii) *Compliance program*. Written compliance programs required by

paragraph (f)(2) of this section shall be completed and available for inspection and copying by July 10, 1995.

(viii) *Methods of compliance*. The engineering and work practice controls as required by paragraph (f) shall be implemented by July 10, 1995.

* * * * *

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

3. The authority citation of 29 CFR part 1915 continues to read as follows:

Authority: Sec. 41, Longshore and Harbor Workers Compensation Act (33 U.S.C. 941); secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); sec. 4 of the Administrative Procedure Act (5 U.S.C. 553); Secretary of Labor's Order No. 12-71 (36 FR 6754), 8-76 (41 FR 35736) or 1-90 (55 FR 9033), as applicable; 29 CFR part 1911.

2. Section 1915.1001 is amended by revising paragraph (q) to read as follows:

§ 1915.1001 Asbestos.

* * * * *

(q) *Dates*. (1) This standard shall become effective October 11, 1994.

(2) The provisions of 29 CFR 1926.58 and 29 CFR 1910.1001 remain in effect until the start-up dates of the equivalent provisions of this standard.

(3) *Start-up dates*. All obligations of this standard commence on the effective date except as follows:

(i) *Methods of compliance*. The engineering and work practice controls required by paragraph (g) of this section shall be implemented by July 10, 1995.

(ii) *Respiratory protection*. Respiratory protection required by paragraph (h) of this section shall be provided by July 10, 1995.

(iii) *Hygiene facilities and practices for employees*. Hygiene facilities and practices required by paragraph (j) of this section shall be provided by July 10, 1995.

(iv) *Communication of hazards*. Identification, notification, labeling and sign posting, and training required by paragraph (k) of this section shall be provided by July 10, 1995.

(v) *Housekeeping*. Housekeeping practices and controls required by paragraph (l) of this section shall be provided by July 10, 1995.

(vi) *Medical surveillance* required by paragraph (m) of this section shall be provided by July 10, 1995.

(vii) The designation and training of competent persons required by paragraph (o) of this section shall be completed by July 10, 1995.

* * * * *

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

5. The authority citation of subpart Z of 29 CFR part 1926 is revised to read as follows:

Authority: Sections 6 and 8, Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders Nos. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736) or 1-90 (55 FR 9033) as applicable; and 29 CFR part 1911.

Section 1926.1101 also issued under 5 U.S.C. 553.

Section 1926.1102 not issued under 29 U.S.C. 655 or 29 CFR part 1911; also issued under 5 U.S.C. 553.

Section 1926.1103 through 1926.1118 also issued under 29 U.S.C. 653.

Section 1926.1128 also issued under 29 U.S.C. 653.

Section 1926.1145 and 1926.1147 also issued under 29 U.S.C. 653.

Section 1926.1148 also issued under 29 U.S.C. 653.

6. Section 1926.1101 is amended by revising paragraph (q) to read as follows:

§ 1926.1101 Asbestos.

* * * * *

(q) *Dates*. (1) This standard shall become effective October 11, 1994.

(2) This provision of 29 CFR 1926.58 remain in effect until the start-up dates of the equivalent provisions of this standard.

(3) *Start-up dates*. All obligations of this standard commence on the effective date except as follows:

(i) *Methods of compliance*. The engineering and work practice controls required by paragraph (g) of this section shall be implemented by July 10, 1995.

(ii) *Respiratory protection*. Respiratory protection required by paragraph (h) of this section shall be provided by July 10, 1995.

(iii) *Hygiene facilities and practices for employees*. Hygiene facilities and practices required by paragraph (j) of this section shall be provided by July 10, 1995.

(iv) *Communication of hazards*. Identification, notification, labeling and sign posting, and training required by paragraph (k) of this section shall be provided by July 10, 1995.

(v) *Housekeeping*. Housekeeping practices and controls required by paragraph (l) of this section shall be provided by July 10, 1995.

(vi) *Medical surveillance* required by paragraph (m) of this section shall be provided by July 10, 1995.

(vii) The designation and training of competent persons required by

paragraph (o) of this section shall be completed by July 10, 1995.

* * * * *

[FR Doc. 95-4083 Filed 2-17-95; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 254

RIN 1010-AB81

Spill-Response Plans for Offshore Facilities Including State Submerged Lands and Pipelines

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Interim final rule; delay of expiration.

SUMMARY: This document delays the expiration of the interim final rule governing spill-response plans for offshore facilities. The Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (OPA) requires that a spill-response plan be submitted for offshore facilities. The MMS published an interim final rule establishing requirements for spill-response plans for offshore facilities including pipelines on February 8, 1993. The rule was scheduled to expire on February 18, 1995, or when superseded by a final rule. The MMS will not have a final rule in place by February 18, 1995, and therefore will extend the termination date of the interim final rule. This rulemaking is being extended until superseded by a final rule.

EFFECTIVE DATE: The interim rule published February 8, 1993 (58 FR 7489) is extended indefinitely; it will not expire until the interim rule is superseded by a final rule.

FOR FURTHER INFORMATION CONTACT: Lawrence H. Ake, Engineering and Standards Branch, telephone (703) 787-1600.

SUPPLEMENTARY INFORMATION: On February 8, 1993, MMS published an interim final rule titled "Spill-Response Plans for Offshore Facilities Including State Submerged Lands and Pipelines" (58 FR 7489). The interim final rule was given an effective date of February 18, 1993, and was to expire on February 18, 1995, or when superseded by a final rule. At the time of publication of the interim final rule, it was anticipated that a final rule would be in place before February 18, 1995. A final rule on this subject will not be published before the published expiration date, yet there is

still a need for a rule that conveys MMS requirements for spill-response plans for offshore facilities. The interim final rule provides necessary guidance to operators for preparing and submitting spill-response plans that are required by OPA. The MMS has determined that an immediate effective date is necessary to provide continuity in the administration, review, and approval of spill-response plans.

Author

This document was prepared by Lawrence H. Ake, Engineering and Technology Division, MMS.

Rulemaking Analyses

E.O. 12866

Non significant.

Regulatory Flexibility Act

No significant impact.

Paperwork Reduction Act

OMB clearance number 1010-0057.

Takings Implication Assessment

No interference with constitutionally protected property rights.

E.O. 12778

Meets applicable standards.

National Environmental Policy Act

The Department of the Interior has determined that this action does not constitute a major federal action affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 254

Continental shelf, Environmental protection, Oil and gas development and production, Oil and gas exploration, Pipelines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: February 14, 1995.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 95-4110 Filed 2-17-95; 8:45 am]

BILLING CODE 4310-MR-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AH29

Reductions and Discontinuances (Federal Employees' Compensation)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations concerning reduction or discontinuance of VA benefits when a payee is also entitled to benefits under the Federal Employees' Compensation Act (FECA) for the same injury or death for which VA payment is being made. The intended effect of this amendment is to bring VA regulations into conformance with the statutory prohibition against concurrent receipt of VA benefits and FECA benefits for the same injury or death.

EFFECTIVE DATE: This amendment is effective February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Weston, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273-7210.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 8116(a) prohibits a federal employee who is receiving benefits for a work-related injury or death under FECA from receiving benefits from VA for the same injury or death.

Currently the adjudication regulations at 38 CFR 3.500(e) specify that the effective date for reduction of VA benefits based on an election of FECA benefits will be the end of the month following the month in which notice is received from the Department of Labor's Office of Workers' Compensation Programs that a VA payee has elected FECA benefits. The regulations do not prohibit concurrent payment of VA and FECA benefits. Thus, in those cases where FECA payment is authorized prior to a proper election and discontinuance of VA benefits, a potential for duplicate payment exists.

VA is amending 38 CFR 3.500(e) to provide that the effective date for reduction or discontinuance of VA benefits in cases where FECA benefits are elected for an injury or death which is the basis of VA payment will be the day preceding the date on which the FECA award became effective.

The final rule is made effective upon publication, since it makes changes merely to reflect statutory requirements.

The Secretary certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. This rule will directly affect VA beneficiaries, but will not directly affect small business. Therefore, pursuant to 5 U.S.C. 605(b), this final regulation is exempt from the